IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 3016 of 2007(H)

PETITIONER:

V.O.DAVID, S/O.OUSEPH, AGED 56 YEARS,
RETD.ASSISTANT SOIL CHEMIST, SOILT ESTING LAB,
PATTAMBI, PALAKKAD DISTRICT,VADASSERY HOUSE
P.O.ENGAKKAD, WADAKKANCHERRY VIA,
THRISSUR 680 589.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, AGRICULTURE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF AGRICULTURE,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

***3. THE ACCOUNTANT GENERAL (A&E),**
KERALA, THIRUVANANTHAPURAM.

***ADDL. R3 IS IMPLEADED AS PER ORDER DATED**
05/02/2007 IN IA NO. 1582/2007.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3016/2007 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT IN OP NO. 1918/2002 DT. 3/4/2003.

EXT.P2. COPY OF THE LETTER DT. 15/11/2006 BY THE PRL. AGRL. OFFICER, PALAKKAD TO THE R2.

EXT.P3. COPY OF THE REQUEST DT. 27/11/2006 BY THE PETITIONER TO THE R1.

EXT.P4. COPY OF THE REQUEST DT. 26/12/2006 BY THE PETITIONER TO THE R2.

EXT.P5. COPY OF THE GO P NO. 185/02 FIN DT. 27/3/2002.

EXT.P6. COPY OF THE GO P NO. 803/2002 FIN DT. 20/12/2002.

EXT.P7. COPY OF THE PROVISIONAL PENSION SANCTIONED BY THE R2 DT. 19/3/07.

EXT.P8. COPY OF THE MEDICAL CERTIFICATE DT. 29/1/2007.

EXT.P9. COPY OF THE FINAL ORDER BY THE R1 IN AN ENQUIRY DT. 24/4/2007.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 3016 of 2007-H

Dated this the 6th day of June, 2007.

J U D G M E N T

The petitioner retired from service while working as Assistant Soil Chemist on 31-5-2006. Because of the pendency of two departmental proceedings against him, the terminal benefits due to him have not been released. Hence, this writ petition, praying for a direction to the first respondent to complete all departmental enquiries against him, expeditiously. During the pendency of the writ petition, the petitioner submits, both the proceedings against him were closed by Ext.P9. If that be so, there may not be any justification in not releasing the pensionary benefits due to him. Accordingly, the respondents are directed to settle the pensionary claim of the petitioner and release the amount found due to him, within four months from the date of production of a copy of this judgment. The first respondent shall also pass orders as to how the period of suspension of the petitioner could be treated.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS